



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Order Instituting Rulemaking to Promote Policy and
Program Coordination and Integration in Electric Utility
Resource Planning.

Rulemaking 04-04-003
(Filed April 1, 2004)

Order Instituting Rulemaking to Promote Consistency in
Methodology and Input Assumptions in Commission
Applications of Short-run and Long-run Avoided Costs,
Including Pricing for Qualifying Facilities.

Rulemaking 04-04-025
(Filed April 22, 2004)

**OPENING COMMENTS OF SAN DIEGO GAS & ELECTRIC COMPANY ON
PROPOSED DECISION OF ALJ HALLIGAN**

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PROPOSED DECISION OF ALJ HALLIGAN**

I. INTRODUCTION

Pursuant to Article 14 of the California Public Utilities Commission's ("CPUC") Rules of Practice and Procedure, San Diego Gas & Electric Company ("SDG&E") files these opening comments on the above-referenced Proposed Decision ("Proposed Decision" or "PD"), mailed on April 24, 2007.

The Proposed Decision adopts specific policies and pricing mechanisms applicable to the electric utilities' purchase of energy and capacity from qualifying facilities ("QFs") pursuant to the Public Utilities Regulatory Policy Act of 1978.¹ SDG&E supports the Proposed Decision because it is well-reasoned, reflects a balanced resolution of the thorny issues presented and, for the most part, is supported by record evidence. The Proposed Decision will bring the prices paid for QF power more in line with current energy market information and will modernize the QF contract terms and conditions to make them more consistent with the competitive wholesale

¹ 16 U.S.C. §824a-3, codified at 18 C.F.R. §§292.301, *et seq.*

generation market. In addition, the options to negotiate longer-term contracts on short run avoided cost (“SRAC”) pricing terms provide flexibility for both the QF and the utility.

However, there are several points that require clarification in order for SDG&E to implement the Proposed Decision. Accordingly, SDG&E recommends that the Proposed Decision be adopted, as modified to reflect the clarifications and adjustments discussed below. The proposed modifications are set forth in Attachment A, hereto.

II. SUMMARY OF PROPOSED CLARIFICATIONS AND MODIFICATIONS

To remove ambiguity, the Proposed Decision should be clarified or adjusted to expressly:

- Modify Table 4 to conform with Finding of Fact (“FOF”) 17, “SCE’s method of calculating SRAC is reasonable.”
- Require SDG&E to use the same methodology and data as used in their most recent Requests for Offer (“RFO”) for calculating time of delivery (“TOD”) or time of use (“TOU”) factors for energy, as opposed to identical factors and time periods;
- Adopt SDG&E’s proposed TOD/TOU allocation of as-available capacity or maintain its current factor allocations;
- Reduce the as-available capacity payment by the full value of the contribution of ancillary services proposed by SDG&E, \$14.82/kW-year;
- Reduce the as-available capacity payment for the capacity value (inframarginal rents) recovered in the energy market as proposed by SDG&E, \$16.78/kW-year;
- Eliminate the extra record information in the calculation of the \$104/kW-year for firm capacity;
- Reduce the firm capacity payment for the capacity value (inframarginal rents) recovered in the energy market;
- Adjust the firm capacity payment to account for shorter contract terms of 1-10 year contracts;
- Clarify that the five-year, fixed-price, bilateral contract option with appropriate contract terms applies equally to all QFs, both renewable and non-renewable;

III. DISCUSSION

A. The Footnote on Table 4 Should Conform with FOF 17

In FOF 17, the Proposed Decision states, “SCE’s method of calculating SRAC is reasonable.” However, in Table 4, the description of the adopted Market Index Formula (“MIF”) contains a statement that “the MIF does not deduct an O&M value from the power price in the heat rate calculation.” Nowhere in the PD is there a discussion of this change to Southern California Edison’s (“SCE”) formula. The impact of such a change would be to double count the variable Operation and Maintenance (“O&M”) amount and would be in direct conflict with FOF 17 and other statements that the MIF should be based on Day-Ahead market energy prices to adequately reflect utilities’ avoided costs.²

B. Using the RFO Methodology of Calculating TOD Factors to Calculate SRAC TOU Factors Complies with the Proposed Decision’s Requirement

In FOF 22, the Proposed Decision states, “[i]t is reasonable to update the TOU factors used to calculate SRAC to be consistent with the TOU factors adopted in other Commission proceedings.” In that regard, the Proposed Decision at page 68, directs utilities to do two things: (1) include the TOD/TOU factors and periods utilized as part of their most recent RFO and (2) provide updated TOD/TOU factors and periods when they file their next long-term procurement plans for approval.

SDG&E has no problem complying with the second directive as far as energy-related factors; however, SDG&E cannot immediately comply with the first directive by using identical TOD/TOU factors and periods in its SRAC energy calculation that it has used as part of its most

² See discussion in section 4.4 of the PD at page 59, “We agree that SRAC energy prices should reflect power prices as reported at the NP-15 trading point for PG&E and the SP-15 trading point for SCE and SDG&E”; and at page 62 “we find that a MIF based on Day-Ahead prices best reflects the utilities’ avoided cost.”

recent RFO. The TOD/TOU time of day periods and seasonal periods are different for RFO and SRAC purposes.³

Therefore, SDG&E urges clarification that “consistency” means that SDG&E may satisfy the first directive by using the same methodology and data⁴ to calculate the energy-related SRAC TOU factors that SDG&E used to calculate its most recent RFO TOD factors, even though using the same methodology and data will yield different factors for the SRAC time periods and seasons because they differ from the RFO time periods and seasons.

C. The PD Should Indicate How to Allocate Capacity Value on a TOU Basis

To permit SDG&E to implement the Proposed Decision, SDG&E requests that the PD be modified to provide clear direction to SDG&E on how to allocate as-available and firm capacity to SRAC TOU periods. The PD is silent on allocating capacity value on a TOU basis, presuming that the TOD factors specified in SDG&E’s RFO identified a TOD allocation for capacity. For SDG&E, the TOD factors used in recent RFOs are applied to an all-in price and do not separate capacity from energy, thus SDG&E cannot use the RFO TOD factors to allocate capacity.

SDG&E recommends the PD adopt the methodology SDG&E proposed in Exhibit 85, pages 17-18. There, SDG&E proposed to use a top 300 hours methodology for allocating capacity value to various TOU/TOD periods in each season. SDG&E has used this allocation methodology for cost allocation in other proceedings (A.05-02-019) and in Phase 2 of its current General Rate Case (A.07-01-047). Alternatively, the PD could direct that the allocation of

³ The Standard Offer 2 and 4 contracts require that SDG&E provide the QF one (1) year advance notice for changing seasonal periods and the allocation factors between Summer and Winter months. SDG&E would be able to have identical factors, if that is the intent of the PD, in 2009, concurrent with approval of the Long-Term Procurement Plan.

⁴ SDG&E has previously presented the data and methodology at Commission workshops (April 4 and 5, 2005) and investigations (Benchmarking TOD Profiles, filed January 17, 2006) in R.04-04-026. SDG&E would simply use this data to calculate appropriate TOD factors for the SRAC time periods and seasons.

existing factors be used for allocation purposes. As shown in Exhibit 85, pages 17-18, the allocation based on the proposed method is similar to the existing allocation for the important summer on-peak period.

D. The Adopted As-Available Capacity Payment Calculations Should Be Adjusted to Reflect the Full Value of the Ancillary Services and the Capacity Value Recovered in Energy Markets

1. Ancillary Services

The Proposed Decision adopts the ancillary services adjustment proposed by SDG&E at page 90, stating “we adopt the CT cost and real economic carrying charge rate calculations proposed by TURN as presented in Exhibit 149, Appendix B, with the ancillary services adjustment subtracted from the adopted value as suggested by SDG&E.” However, the PD then reduces the ancillary services adjustment by two-thirds.

Contrary to the PD’s assessment, the SDG&E proposed value is a reasonable adjustment without being reduced by two-thirds. The California Independent System Operator’s (“CAISO”) 2004 Annual Report on Market Issues and Market Performance, Exhibit 48, shows the CAISO’s estimate of the value ancillary services would contribute to a Combustion Turbine (“CT”) in the SP-15 zone was \$19.20/kW-year in 2003 and \$27.80/kW-year in 2004 (Ex. 48, Table 2.8, page 2-30). And the most recent CAISO report shows comparable values of \$18.50/kW-year for 2005 and \$21.70 for 2006 (CAISO, 2006 Annual Report on Market Issues and Market Performance, Table 2.12, page 2-55).⁵ These values calculated independently by the CAISO show the SDG&E proposed value of \$14.82/kW-year to be conservative.

Second, it should be noted that the value SDG&E proposed for the non-spin price, \$1.93/MW, was less than half of the average annual prices for non-spin reserves for 2003 (\$4.20)

⁵ www.caiso.com/1bb7/1bb779bfff80.pdf.

and 2004 (\$4.43) as shown in Table 4-1 of Exhibit 48 at page 4-8. Moreover, the most recent CAISO report show a comparable value of \$3.98/MW for 2005 and somewhat higher value of \$5.96 for 2006 (CAISO, 2006 Annual Report on Market Issues and Market Performance, Table 4.1, page 4-12).⁶ The value of \$14.82/kW-year, based on the \$1.93/MW figure, should not be further reduced.

2. Capacity Value in Energy Market (Inframarginal Rents)

The Proposed Decision extensively describes the compelling logic of making an adjustment for the capacity value that is recovered in market energy prices at pages 74-77. Witnesses for the QF parties also acknowledge this value, referring to it as “inframarginal rents.” They state, “[t]hese rents are generally logically distinct from a capacity payment but in a well functioning capacity market, would influence the price which potential sellers of capacity would demand for their capacity.” (Tr. 3304:16-3305:11) Further, the witnesses indicated that the New York ISO deducts \$22.50/kW-year from the capacity price paid to generators. (Tr. 3306:3-10). While both TURN and SDG&E proposed to deduct the value from the energy price, if it is not deducted there, it should be deducted from the as-available capacity price in order to avoid double payment. The PD should be changed to include this valid deduction from the as-available capacity price.

The value of the deduction to account for the capacity value contained in the market price for firm supplies proposed by SDG&E was \$16.78/kW-year (Exhibit 85, page 16:12-16). This value is reasonable in comparison to the New York ISO value of \$22.50/kW-year and the value estimated by the CAISO of \$17.20/kW-year for 2003 in SP-15 and \$17.30/kW-year in 2004 (Exhibit 48, Table 2.8, page 2-30; deducting operating costs from energy revenue).

⁶ *Id.*

E. The Adopted Firm Capacity Payment Calculation Should Be Modified

1. The Reference to “Simple Interest Annual Payment for Capacity” Should Be Eliminated

At page 93 of the Proposed Decision, the \$104/kW-year value which would pay for firm capacity is derived from a “simple interest annual payment for capacity.” This discussion should be eliminated because it is not correct and it is not in the record. SDG&E suggests eliminating Figure 2 and the associated discussion on page 93, as well as the references on page 3.

While SDG&E disagrees with offering QFs contracts based on the MPR for the policy reasons described below, it is clear that the intent of the PD at pages 90-93 is to pay QFs for capacity and energy based on something similar to the Independent Energy Producers (“IEP”) proposal, which relies on a modified 20-year MPR.⁷

The adopted value for energy is based on the MIF, providing a market-based energy price instead of the operating costs of a Combined Cycle Gas Turbine (“CCGT”). The difference between the revenue received, based on a market heat rate, and the operating costs, based on the CCGT heat rate and variable O&M, produces profits (inframarginal rents) in the energy market. These profits (inframarginal rents) recovered in the energy market prices serves to reduce the capacity payment from \$129/kW-year. If the Commission chooses to pay at the MPR rate for firm capacity, it should reduce the capacity payment for the capacity value (inframarginal rents) recovered in the market energy price of at least \$50/kW-year. Support for this value can be derived from the CAISO’s 2004 Annual Report on Market Issues and Market Performance, Exhibit 48. CAISO’s estimate of the capacity value (inframarginal rents) contained in energy market prices for a CCGT in the SP-15 zone was \$54.70/kW-year in 2003 and at least \$52.2/kW-

⁷ PD, page 93, “The adopted method is similar to that proposed by IEP.” IEP’s assumptions, including the 20-year life, are detailed at pages 83-85 of Exhibit 95, Prepared Testimony of William A. Monson.

year in 2004 (Ex. 48, Table 2.7, page 2-30).⁸ And the most recent CAISO report shows even higher values of \$67.30/kW-year for 2005 and \$83.70 for 2006 (CAISO, 2006 Annual Report on Market Issues and Market Performance, Table 2.11, page 2-55).⁹ Therefore, the Commission should reduce the \$129/kW-year MPR value by at least \$50/kW-year to give a firm capacity price of \$79/kW-year.

The \$104/kW-year implies a capacity value/inframarginal rents of only \$25/kW-year (\$129 - \$104) is recovered in energy market prices for a CCGT. The \$25/kW-year means the CCGT would be operating much less than suggested by the CAISO data cited above and much less than expected under the MPR.¹⁰

2. The Payment Based on the IEP Proposal Value Should Be Reduced for Both Technical and Policy Reasons

a. Technical Reasons

The technical reason relates to the statement on page 90 of the Proposed Decision, “it would be inappropriate to use a 20-year levelized value for a contract of less than 20 years in length.” Here, the IEP modified MPR based on a 20-year economic life, is applied to a contract of 1-10 years. An adjustment should be made to the capacity value to correct for the shorter period of the contract using the logic explained at pages 84-85 of the PD. The table below shows the impact for contracts of different lengths between one and ten years based on IEP’s 20-year modified MPR value with a \$50/kW-year reduction for capacity value/inframarginal rents contained in energy market prices and escalation rate of 2.46% (escalation rate for fixed O&M in

⁸ The 2003 value was calculated as energy revenues of \$280.3 less operating costs of \$225.6. The 2004 value was calculated as \$301.6 less \$249.4.

⁹ <http://www.caiso.com/1bb7/1bb779bfff80.pdf>

¹⁰ For example, Exhibit 95 shows an assumption of an 80% capacity factor and 2005 MPR (E-3980) shows 82-92% capacity factor.

2005 and 2006 MPRs).¹¹ The table shows a similar calculation for the \$104/kW-year figure from the PD as well.

Contract Years	Capacity Payment Based on	
	\$104/kW-yr	\$79/kW-yr
1	\$87	\$66
2	\$88	\$67
3	\$89	\$68
4	\$90	\$69
5	\$91	\$69
6	\$92	\$70
7	\$93	\$71
8	\$94	\$71
9	\$95	\$72
10	\$96	\$73

b. Policy Reason

SDG&E opposes setting the long-term contract pricing at the MPR on a policy basis since the practice will likely keep non-renewable QFs from participating in utility solicitations. The long-term contract acts as a floor on the price the QF would be willing to bid into a RFO. If the long-term contract price is set at the MPR (or above due to the technical reason previously discussed), then the QF has no incentive to participate in the RFO if the QF expects the Commission to approve the contract. The MPR, the maximum likely price in the RFO (except for renewables), would be equal to or less than the long-term contract price. The proposed long-term contract terms will perpetuate the separate and unequal treatment for non-renewable QFs.

¹¹ Resolutions E-3980 and E-4049. The levelized annual cost yields a uniform nominal-dollar cost stream whose present value using an 8.5% discount rate is exactly equal to that produced by the real economic carrying charge approach that produces a nominal-dollar cost stream rising at a 2.46% rate of inflation.

F. The Five-Year Fixed Price Option Is Intended to Apply Both to Renewable and Non-Renewable QFs

The Proposed Decision appropriately declines to adopt a mandatory five-year fixed price contract on terms that have yet to be negotiated and states,

We encourage any renewable resources to negotiate and bring before us applications for such five-year, fixed price amendments, wherever possible, and [we] will consider such applications as we have other negotiated agreements in prior decisions, keeping in mind the direction provided by §390.1.¹²

Narrowly read, that language could be construed as limiting such bilateral negotiation to renewable resources only. SDG&E does not believe that is the intent of the Proposed Decision because nowhere else does the Proposed Decision distinguish between renewable and non-renewable QFs for contract negotiation purposes. Nonetheless, SDG&E requests that the Proposed Decision be clarified to expressly state that negotiated, five-year, fixed price amendments/agreements, with appropriate contract terms, are equally applicable for non-renewable and renewable resources alike.

IV. CONCLUSION

In sum, SDG&E endorses the Proposed Decision as a reasonable and balanced resolution of the issues presented, subject to the requested clarifications and modifications set forth above which would facilitate implementation. The Proposed Decision will bring the prices paid for QF

¹² PD at 128.

power more in line with current energy market information and will modernize the QF contract terms and conditions to make them more consistent with the competitive wholesale generation market.

Respectfully submitted,

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Attachment A

Proposed Findings of Fact

FOF 22

It is reasonable to update the TOU factors used to calculate SRAC to be consistent with TOU factors adopted in other Commission proceedings in the IOUs' next long-term procurement plan filings or before. SDG&E's proposed TOU factor methodology for capacity is reasonable for SDG&E.

FOF 31

For purposes of calculating payments for as-available capacity, it is reasonable to adopt the CT cost and real economic carrying charge rate calculations proposed by TURN as presented in Exhibit 149, Appendix B, with an ancillary services adjustment and capacity value/inframarginal rents recovered in energy markets subtracted from the adopted value as suggested by SDG&E.

FOF 32

Delete this FOF in its entirety.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **OPENING COMMENTS OF SAN DIEGO GAS & ELECTRIC COMPANY ON PROPOSED DECISION OF ALJ HALLIGAN** on all parties identified in R.04-04-003 and R.04-04-025 on the attached service list by U.S. mail and electronic mail, and by Federal Express to the assigned Commissioner(s) and Administrative Law Judge(s).

Dated at San Diego, California, this 25th day of May, 2007.

/s/ JOEL DELLOSA

Joel Delloso

CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

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